

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 3:17-CV-01477

AN EASEMENT AND RIGHT-OF-WAY OVER
6.82 ACRES OF LAND, MORE OR LESS,
IN MONTGOMERY COUNTY, TENNESSEE, and
COVINGTON FARMS, INCORPORATED,
a Kentucky Corporation,
Defendants.

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court, as evidenced by the signatures below, that the parties have agreed to resolve this action as hereinafter provided.

Plaintiff has deposited with the registry of this Court the sum of \$78,475, plus any accrued interest thereon less the applicable registry fee, the disbursement of which is provided for in paragraphs 2–3 below.

It is, therefore, **ORDERED AND ADJUDGED** that:

1. Defendant Covington Farms, Incorporated, shall recover of the Plaintiff \$78,475 as full compensation for the taking of the land herein condemned.
2. On June 22, 2018, the Court disbursed \$48,475 plus all interest earned, less the registry fee on said interest, by check made payable to Covington Farms, Incorporated, a Kentucky Corporation (Doc. 20). Pursuant to the Court's Order of Disbursement (Doc. 20), such payment shall be credited against the final award in this action of \$78,475.

3. The Clerk of this Court is authorized and directed to draw a check on the remaining funds on deposit in the registry of this Court in the amount of \$30,000, plus any accrued interest thereon less the applicable registry fee, payable to Covington Enterprises, Inc., in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to James W. Fisher, Jr., Esq., 3129 Hawthorn Drive, Clarksville, Tennessee 37043, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment).

4. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on November 22, 2017 (Doc. 2), is hereby fully and finally confirmed with respect to the following-described property, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (Doc. 2-1):

Permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. CGKY-13

A strip of land located in the First Civil District of Montgomery County, State of Tennessee, as shown on a map entitled "Clarksville-Hopkinsville/Montgomery Substation Loop Tap to St. Bethlehem and Union Carbide Tap to Guthrie, Ky, Substation," drawing LW-3504, sheet P3BCA, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location,

the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Commencing at a R/W monument in the north right-of-way of State Highway 238, thence with the right-of-way of said highway S. $36^{\circ} 15' 55''$ E., 134.58 feet to the corner of Knox B. Thomas, III, et ux. (Official Record Book Volume 1459, page 2094); thence with the said road right-of way N. $36^{\circ} 18' 43''$ W., 0.48 feet to a point; thence N. $53^{\circ} 00' 05''$ E., 511.43 feet to a point; thence N. $34^{\circ} 06' 02''$ W., 164.27 feet to a point; thence N. $56^{\circ} 57' 24''$ E., 50.01 feet to a point on the centerline of the location at survey station 115+25.85, and being the Point of Beginning.

The said strip being bounded on the south end by a railroad right-of-way line; thence leaving the point of beginning and with the centerline of the location, N. $34^{\circ} 06' 02''$ W., 449.41 feet to a point of intersection on the centerline of the location at survey station 119+75.26, having State Plane Coordinates of North: 840029.83 and East: 1619744.92; thence N. $08^{\circ} 32' 17''$ E., 2,521.09 feet to a point on the Covington Farms, Incorporated property line (TVA Tract No. CGKY-14, Deed Book 132, page 549, Todd County, Kentucky), and being the point of ending on the centerline of the location at survey station 144+96.35. The said strip being bounded on the north by the said property line.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 119+75.26.

The above-described strip of land includes the centerline of the transmission line location for a net distance of 2,970.50 feet and containing 6.82 acres more or less.

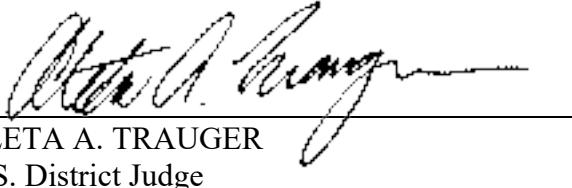
Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title and interest as the owner of the above-described land may have in TVA Tract No. CGKY-12, the adjoining railroad right-of-way, as shown on the map referenced above.

The coordinates, distances and directions of lines are referred to the Tennessee 4100 Coordinate System, NAD83(2011) Horizontal Datum, NAVD88 Vertical Datum.

5. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment

which shall serve as a muniment of title.

It is so **ORDERED**.



ALETA A. TRAUGER
U.S. District Judge

We hereby approve and consent
to the entry of this Judgment:

s/Jill E. McCook

Jill E. McCook (TN BAR 033813)
Lane McCarty (TN BAR 028340)
James S. Chase (TN BAR 020578)
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